

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA <i>ex rel.</i>	:
JOHN A. WOOD, and on behalf of the	:
STATES of CALIFORNIA, COLORADO,	: <u>ECF CASE</u>
CONNECTICUT, DELAWARE,	:
FLORIDA, GEORGIA, HAWAII,	: Case No. 19 Civ. 4029 (JMF)
ILLINOIS, INDIANA, LOUISIANA,	:
MASSACHUSETTS, MICHIGAN,	: FILED UNDER SEAL
MINNESOTA, MONTANA, NEVADA,	:
NEW HAMPSHIRE, NEW JERSEY,	:
NEW MEXICO, NEW YORK, NORTH	:
CAROLINA, OKLAHOMA, RHODE ISLAND,	:
TENNESSEE, TEXAS,	:
VIRGINIA, WISCONSIN and the	:
DISTRICT OF COLUMBIA,	:
	:
Plaintiffs,	:
	:
v.	:
	:
ALLERGAN, INC.,	:
	:
Defendant.	:
----- X	

THE UNITED STATES' NOTICE OF DECISION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States (the "Government"), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the Government declines to intervene in this action, the Government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain his action in the name of the Government, provided, however, that the complaint "may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the Government respectfully requests that, prior to granting a

request by the relator or the defendant to dismiss, settle, or otherwise discontinue this action, the Court require such party to obtain written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the Government requests that all pleadings filed in this matter be served upon the Government. The Government further requests that the Court directs relator's counsel to serve on the Government any order issued by the Court.

The Government reserves its right to order the transcript of any deposition taken with respect to the allegations in relator's complaint. The Government also reserves its right to intervene with respect to the allegations in the relator's *qui tam* complaint, for good cause, at a later date.

The Government also requests that the United States be served with any notices of appeal.

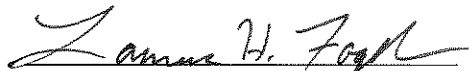
A proposed order accompanies this notice.

Dated: June 28, 2019
New York, New York

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:



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